

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**MARIA OROZCO, and KARINA  
MARTINEZ, individually and on  
behalf of other similarly situated  
employees and former employees of  
Defendant,**

Plaintiffs,

v.

**ANAMIA'S TEX-MEX, INC.,**

Defendant.

**Civil Action No. 3:15-CV-2800-L**

**ORDER**

Before the court is Plaintiffs' Expedited Motion for Conditional Certification, Notice to Potential Plaintiffs, and Limited Expedited Discovery (Doc. 16), filed October 19, 2015. The motion was referred to Magistrate Judge Renee Harris Toliver, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") on February 10, 2016, recommending that the court grant in part Plaintiffs' motion. The Report recommends that the court conditionally certify this collective action; limit the prospective class to waiters, waitresses, bartenders, and other tipped personnel employed at Defendant's Plano location at any time between August 27, 2012, and the present, inclusively; order the parties to confer and jointly submit a proposed notice to the court in accordance with the specific recommendations in the Report; if the parties are unable to fully agree on the notice contents, require them to submit a joint report to the court outlining the disputed issues and respective positions; order Defendant to produce the names, job titles, dates of employment, and address of every individual employed at Defendant's Plano location as a waiter, waitress, bartender, and other tipped employee, or who

performed the same or similar duties as those positions, at any time between August 27, 2012, to the present, inclusively, to Plaintiffs' counsel; and order Defendant to provide the last four digits of the Social Security number of any potential class member whose notice is returned undeliverable to Plaintiffs' counsel. No objections to the Report were filed.

Plaintiffs Maria Orozco and Karina Martinez (collectively, "Plaintiffs") brought this action against Defendant Anamia's Tex-Mex, Inc. ("Defendant"), alleging violations pursuant to the Fair Labor Standards Act ("FLSA"). Defendant operates restaurants in Coppell, Plano, South Lake, and Flower Mound, Texas. Plaintiffs are former employees of the Plano and Flower Mound locations. Two opt-in plaintiffs, Gabriel Munoz and Elvin Izaguirre, are former employees of the Southlake, Coppell, Plano, and Flower Mound locations. Plaintiffs brought this claim individually and on behalf of other similarly-situated employees and former employees, and they request conditional certification of the class by the court. They also request that the court approve and disseminate notice to persons employed as waiters, waitresses, bartenders, and other employees receiving tips at all of Defendant's restaurants from any time from August 27, 2012, to the present.

The Report finds that Plaintiffs have sufficiently established the existence of similarly-situated potential plaintiffs as to Defendant's Plano location but that they have not sufficiently established the existence of potential plaintiffs as to Defendant's Coppell, Flower Mound, and Southlake locations. The court agrees, and Plaintiffs' motion will be denied in so far as it relates to Defendant's Coppell, Flower Mound, and Southlake locations.

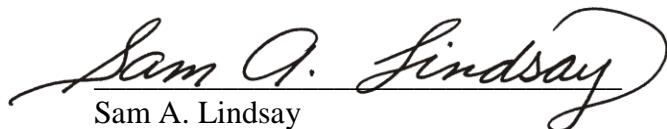
After reviewing the pleadings, file, record, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **grants** Plaintiffs' Expedited Motion for Conditional Certification,

Notice to Potential Plaintiffs, and Limited Expedited Discovery with respect to the Plano location.

The court **denies** the motion in all other respects.

The court **conditionally certifies** this collective action. The prospective class is limited to waiters, waitresses, bartenders, and other tipped personnel employed at Defendant's Plano location at any time between August 27, 2012, and April 22, 2016, inclusively. The court **orders** the parties to confer and jointly submit a proposed notice to the court in accordance with the specific recommendations in the Report. If the parties are unable to fully agree on the notice contents, they are required to submit a joint report to the court outlining the disputed issues and their respective positions. Defendant is **ordered** to produce the names, job titles, dates of employment, and addresses of every individual employed at its Plano location as a waiter, waitress, bartender, and other tipped employee, or who performed the same or similar duties as those positions, at any time between August 27, 2012, and April 22, 2016, inclusively, to Plaintiffs' counsel. Defendant is further **ordered** to provide the last four digits of the Social Security number of any potential class member whose notice is returned undeliverable to Plaintiffs' counsel.

**It is so ordered** this 22nd day of April, 2016.



Sam A. Lindsay  
United States District Judge